

HONOURABLE SRI JUSTICE E.V.VENUGOPAL

WRIT PETITION No.14421 of 2020

ORDER:

This writ petition is filed under Article 226 of constitution of India seeking the following relief:

....'to issue writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in rejecting the case of the petitioner for promotion to the post of ASI/EXE vide office memorandum No 42099/02/SSCLS/2020-1278 dated 12.3.2020 on the ground of petitioner placed on P2(2) LMC category for two years by the Medical Board confirming that the petitioner fit for all duties including duties with arms and for night duties as arbitrary and illegal and contrary to the provisions of the of promotion and consequently to set aside the same and direct the respondents to promote the petitioner as ASI/EXE as per the seniority list prepared by the respondents or to pass..'

2. Learned counsel for the petitioner submits that the case of the petitioner was rejected vide office memo dated 12.03.2020, on the ground that the petitioner was placed on P2 (2) LMC category for two years by the Medical Board. He further submits that the stated certificate is very clear that the writ petitioner is fit for duties for a period of two years and the certificate is issued on 19.02.2020, but the case of the petitioner was rejected *vide* proceedings dated 19.08.2020, where the name of the petitioner stands at serial No.147.

3. The conditions imposed in the service order dated 19.08.2020 are reproduced hereunder:

(i) Subject to production of caste certificate in prescribed proforma.

(ii) On completion of currency of punishment.

(iii) Subject to Shape-I by 31.12.2020.

4. Learned counsel for the petitioner further submits that CISF medical examination format has been submitted by the petitioner which is issued by a qualified doctor registered under Medical Council of India which clearly demonstrates that the petitioner does fall within the category of Shape I, but in spite of that, proceedings have been illegally issued rejecting the case of the petitioner stating that he does not fall within the category as specified in the conditions. Therefore, seeks the intervention of this Court to pass appropriate directions.

5. On the other hand, Mr.K.Karuna Sagar, learned counsel representing Deputy Solicitor General of India submits that the petitioner had under gone medical examination as required by the respondents in the prescribed proforma, and the stated certificate submitted by the petitioner at serial No.13 denotes that he is fit for all duties in

civil, but not for uniform employment and therefore, seeks to dismiss the petition.

6. This Court after verifying the facts and considering the material on record noticed that the petitioner had submitted the certificate issued by the CRPF, Hyderabad Review Medical Board and not that of CISF Medical Board. Therefore, this Court is inclined to direct the 3rd respondent to conduct necessary examination in accordance with law as expeditiously as possible, preferably within eight (08) weeks from the date of receipt of a copy of this order and strictly in terms of CISF rules in force and if found eligible to promote the petitioner in terms of Service Order Part-II No.61 of 2020, dated 19.08.2020 and as per law in force.

7. Accordingly, the writ petition is disposed of. There shall be no order as to costs.

8. Miscellaneous petitions, if any, pending in this writ petition, shall also stand disposed of.

JUSTICE E.V.VENUGOPAL

Dated: 02.02.2023
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